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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket No.: 99821-US-NP XERZ 2 00538
Application No.: 09/894,160		Filed: June 27, 2001
Title: FAST AND EFFICIENT WINDOW REGION COALESCING IN A TWO-PASS AUTO-WINDOWING ENVIRONMENT		
First Named Inventor: Metcalfe, et al.		
Art Unit: 2624		Examiner: Thompson, James A.
<p>Applicant(s) request(s) review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p><i>Note: No more than five (5) pages may be provided.</i></p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest See 37 CFR 3.71.</p> <p>Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</p> <p>Respectfully submitted,</p> <p>FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP</p> <p>Date: <u>11/14/05</u></p> <p><u>[Signature]</u></p> <p>Mark S. Svrat, Reg. No. 34,261 1100 Superior Avenue Seventh Floor Cleveland, OH 44114-2579 216-861-5582</p> <p>NOTE: Signature(s) of all the inventor(s) or assignee(s) of record of the entire interest or their representative(s) is/are required. Submit multiple forms if more than one signature is required, see below*.</p>		
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.		
<p align="center"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that this Pre-Appeal Brief Request for Review and accompanying documents are being</p> <p><input checked="" type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314-1450.</p> <p><input type="checkbox"/> deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22314-1450.</p>		
Express Mail Label No.:		<u>Kathleen A. Nimrichter</u>
Date: November 14, 2005		By: Kathleen A. Nimrichter

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By:

Kathleen A. Nimrichter

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Metcalfe, et al.

TITLE : FAST AND EFFICIENT WINDOW
REGION COALESCING IN A TWO-
PASS AUTO-WINDOWING
ENVIRONMENT

APPLICATION NO. : 09/894,160

FILED : June 27, 2001

CONFIRMATION NO. : 5213

EXAMINER : Thompson, James A.

ART UNIT : 2624

LAST OFFICE ACTION : July 11, 2005

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XERZ 2 00538

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

No Motivation to Combine References

With reference to a 35 U.S.C. §103(a) rejection of independent claims 25 and 30 in the Final Office Action mailed July 11, 2005, Applicants respectfully submit there has been no motivation shown by the Examiner for combining Farber et al. (U.S. Patent No. 5,978,791 hereinafter referred to as Farber) with Azumaya et al. (U.S. Patent No. 5,465,307 hereinafter referred to as Azumaya).

No Motivation to Combine

6. Claims 12, 17-20, 22-27 and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azumaya (US Patent 5,465,307) in view of Farber (US Patent 5,978,791).

The same rejection was first presented in the first Office Action mailed April 25, 2005. However, the present application relates to "the processing of documents and specifically to the identification and grouping of individual portions of a scanned document to enhance or modify the document" (page 1, lines 5-7). Farber, on the other hand, discloses a data processing system that allocates unique identifiers for pre-existing data items (files) in order to eliminate duplicate copies (Abstract, column 3, lines 29-35, and column 28, lines 23-26) as was pointed out to the Examiner on page 14, line 1, in Applicants' Amendment A mailed April 25, 2005. The Examiner, in the first Office Action, on page 14, provided the following reasoning for combining Farber with Azumaya:

Azumaya and Farber are combinable because they are from similar problem solving areas, namely data identification tag searching and sorting. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to perform a search for the base identifier ("True File" data) until the location corresponding to the first identifier ("True Name") is found, as taught by Farber. The motivation for doing so would have been to improve the design and storage of the system used to store the relevant digital data by allowing the system to only store one copy of any data item (column 3, lines 42-50 of Farber). Therefore, it would have been obvious to combine Farber with Azumaya to obtain the invention as specified in claim 25.

Applicants respectfully traverse the Examiner's reasoning that "Azumaya and Farber are combinable because they are from similar problem solving areas." As pointed out above, the present application relates to a method and apparatus for processing a scanned image (see also Abstract). Farber, however, relates to a method and apparatus in a data processing system for identifying a data item in the system, where the identity of the data item depends on all of the data in the data item and only on the data in the data item, and further for determining whether a particular data item is present in the system or at a location in the system, by examining only the data identities of a plurality of data items (col. 3, lines 29-39). As can be readily observed in Figure 2 and described in col. 5, lines 30-35, the data items referred to by Farber may be items stored in a file system of the data processing system.

The portions of Farber cited by the Examiner in the rejection of each of claims 25

and 30 (col. 17, lines 19-23, 28-30, and 37-41) are described in Farber at col. 17, lines 10-18 as a primitive mechanism "used when a True Name is known and a locally accessible copy of the corresponding file or data item is required. This mechanism makes it possible to actually read the data in a True File. The mechanism takes a True Name and returns when there is a local, accessible copy of the True File in the True File registry." In simple terms, the mechanism is simply looking for a local copy of a file. This is unrelated to features of the present application. As pointed out to the Examiner in Amendment A, the present application distinguishes in this regard since a regional connection matrix is developed in real time as a document is being processed. An inventor would simply not be motivated to look for documents relating to searching for local files in a data processing system. Scanning documents and examining the contents therein is simply not a field related to the processing of files in a file system, and there would be no motivation to combine the teachings of Farber, dealing with data items (files in a file system), with the teachings of Azumaya dealing with recognizing an area in a document marked with a loop).

Applicants also explained to the Examiner in Amendment A, page 14, that the algorithm of the present application is different relative to the true spirit of Farber's patent, of which the main concern is to reduce the duplication of the same document/file that may be stored at various locations within a directory structure of a certain operating system. It has no relation to the way in which the ID's are managed in embodiments of the present application. Applicants further note that the Examiner did not directly respond to Applicants' above-described arguments provided in Amendment A. In the Final Office Action, pages 15-16, the Examiner merely reiterated in cut-and-paste fashion, the same reasoning provided in the first Office Action. Applicants, therefore, respectfully submit that the Examiner should show further reason why it would be appropriate to combine the teachings of Farber with Azumaya.

Claim Element not in Applied Art

With reference now to a 35 U.S.C. §102(b) rejection of independent claim 36 in the Final Office Action, Applicants respectfully submit the Examiner has not shown a claim limitation in the applied art.

Claim 36, as previously presented, is included here for the convenience of the reviewing panel with the limitation in question boxed in. As can be readily observed, the subject limitation associates line segments having common pixel tags, the pixel tags previously determined according to pixel content type in the underlined step shown. This is according to one of the stated objects of the present application to efficiently associate pixels of similar content type (e.g. text, images) into windows based on the content type (see Abstract and page 5, line 32 – page 6, line 16).

36. A method for processing an image, the method comprising the steps of:

performing a first-pass processing of the image in a selected direction, the first-pass processing comprising the steps of:

determining a pixel tag corresponding to a pixel content type of a pixel of a first row;

determining a pixel identifier based on said pixel tag and pixel identifiers of neighboring pixels in said first row and in a neighboring second row;

forming line segments of neighboring pixels of said first row having common pixel identifiers; and

reviewing line segments of said second row and said first row to associate line segments of said second row neighboring line segments of said first row and having common pixel tags; and

performing a second-pass processing of the image based on results of the first-pass processing.

In the Examiner's rejection of claim 36, the Examiner correlated Azumaya, col. 13, lines 39-44 with the underlined limitation of claim 36. The Examiner then correlated Azumaya, col. 15, lines 42-50 to the boxed-in limitation. However, the Examiner failed to make any showing that Azumaya groups pixels according to content type. Col. 13, lines 39-44, clearly states that the area recognition device recognizes a closed loop and generates an area flag indicative of the area specified by the closed loop (the closed loop having been generated by a user beforehand). There is no suggestion that Azumaya is associating either pixels or line segments according to content type. It is a stated objective of Azumaya to recognize an area marked with a closed loop (Title); and

Azumaya would understandably not be concerned with the type of content within the closed loop. A reading of Azumaya, col. 15, lines 42-50 does not show any evidence of associating either pixels or lines of the image according to content type, but instead reveals associating pixels according to whether or not they are within the closed loop (see Table I). Applicants, therefore, respectfully submit that the Examiner has not shown the above-described claim limitation of independent claim 36 to be in the applied art.

Applicants, for at least the reasons set forth above, respectfully request a pre-appeal review.

Respectfully submitted,

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